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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/699,414	10/31/2003	Aaron R. Chacker	C1183/20005	2108

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EXAMINER


LANEAU, RONALD

ART UNIT	PAPER NUMBER
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3627

DATE MAILED: 02/09/2005

Please find below and/or attached an Office communication concerning this application or proceeding.

 Office Action Summary	Application No. 10/699,414	Applicant(s) CHACKER, AARON R.	
	Examiner Ronald Laneau	Art Unit 3627	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 31 October 2003.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-14 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-14 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
 Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
 Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. _____.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|--|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413)
Paper No(s)/Mail Date. _____ |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152) |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)
Paper No(s)/Mail Date _____ | 6) <input type="checkbox"/> Other: _____ |

DETAILED ACTION

1. Claims 1–14 are presented for examination.

Claim Rejections - 35 USC § 103

2. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

3. Claims 1-12 are rejected under 35 U.S.C. 103(a) as being unpatentable over Barton (US 2002/0046074) in view of Rouchon (US 2001/0025259).

As per claims 1, Barton teaches a method for recruiting and identifying public's interest in artists world-wide having artistic works for engaging artist in contracts and promoting and distributing said contracted artists' works (page 1, [0012], [0013]), said method comprising the steps of: (a) receiving artistic works via global computer networks in order to recruit artists; (b) making available at least one artistic work to the consuming public for the review of the consuming public via global computer networks (page 6, [0119], [0120]). Barton does not disclose obtaining consumer's feedback and engaging an artist in a contract but Rouchon discloses (c) obtaining consumer feedback from the consuming public via global computer networks regarding the consuming public's interest in the at least one artistic work or in the at least one artist having the at least one artistic work (Garageband.com is an on-line community created by musicians and wherein fans, emerging talent and industry pros meet as equals, listen to tracks uploaded and vote on which bands receiving \$250,000 recording contract); (d) engaging

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an artist in a contract based on said consumer feedback (the Company intends to sign artists with this now proven potential and pair these artist with established record producers from its advisory board (page 2, [0014], lines 1-21); (e) promoting said contracted artist or at least one of said contracted artist's artistic works via global computer networks (promotion at local and world radio stations, see fig. 1); and (f) distributing at least one of said contracted artist's artistic works via global computer networks (distribution at local and world radio websites, see fig. 1).

It would have been obvious to one of ordinary skill in the art at the time the invention was made to utilize the global Internet media and the system of engaging artist in contract as taught by Rouchon into the system of Barton because it would allow independent artist to have control over the distribution of their music via the Internet media and at the same time make it easier for some artists to promote their offerings to a large audience.

As per claim 2, the method of claim 1 wherein said step of making at least one artistic work available to the consuming public further comprises making personal information about the at least one artist available to the consuming public.

As per claims 3-5, Rouchon discloses an artist or band that receives \$250,000 recording contract through vote of fans (consumer feedback) but neither Barton nor Rouchon discloses a modeling contract and a script writing contract as claimed. The Examiner takes Official notice that a modeling contract and a script contract are well known in the business art because it allows company to invest in a potential artist and gets the service of said artist in return for a predetermined amount of time as stipulated in the signed contract.

As per claim 6, Barton teaches a method for recruiting and identifying public's interest in artists world-wide having artistic works for engaging artist in contracts and promoting and

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distributing said contracted artists' works (page 1, [0012], [0013]), said method comprising the steps of: (a) receiving artistic works via global computer networks in order to recruit artists; (b) communicating with said website by the artists world-wide for uploading representations of their respective artistic works and personal information to said web site in order to recruit artist (page 2, [0014], 1-4); (c) making available at least one artistic work to the consuming public for the review of the consuming public via global computer networks (page 6, [0119], [0120]). Barton does not disclose obtaining consumer's feedback and engaging an artist in a contract but Rouchon discloses (d) obtaining consumer feedback from the consuming public via global computer networks regarding the consuming public's interest in the at least one artistic work or in the at least one artist having the at least one artistic work (Garageband.com is an on-line community created by musicians and wherein fans, emerging talent and industry pros meet as equals, listen to tracks uploaded and vote on which bands receiving \$250,000 recording contract); (e) engaging an artist in a contract based on said consumer feedback (the Company intends to sign artists with this now proven potential and pair these artist with established record producers from its advisory board (page 2, [0014], lines 1-21); (f) promoting said contracted artist or at least one of said contracted artist's artistic works via global computer networks (promotion at local and world radio stations, see fig. 1); and (g) distributing at least one of said contracted artist's artistic works via global computer networks (distribution at local and world radio websites, see fig. 1).

It would have been obvious to one of ordinary skill in the art at the time the invention was made to utilize the global Internet media and the system of engaging artist in contract as taught by Rouchon into the system of Barton because it would allow independent artist to have

control over the distribution of their music via the Internet media and at the same time make it easier for some artists to promote their offerings to a large audience.

As per claim 7, the method of claim 6 further comprising the step of generating an opinion poll based on said consumer feedback (Rouchon allows fans and industry pros to vote for potential artists and opinion poll can be easily generated from their opinion).

As per claim 8, the method of claim 6 further comprising the step of utilizing newsgroups over said global computer networks for disseminating information about the artists and said consumer feedback (Rouchon uses local radio and world radio websites (newsgroups) to get information about the artist to the public, see fig. 1).

As per claim 9, the method of claim 6 further comprising the step of utilizing e-mail listserves for disseminating artist information to individuals of the consuming public that have selected to receive such information (Rouchon's system is capable of sending e-mail or messages through the network to users who select this means of information).

As per claim 10, the method of claim 6 further comprising the step of providing said web site with daily, detailed information regarding how many people reviewed each of said artist profiles and how many people listened to their songs (fans earn reviewer points redeemable for prizes and this is one way for Rouchon's system to keep track of how many people have reviewed the artist profiles and listened to their songs).

As per claim 11, Rouchon discloses a method wherein said daily, detailed information further comprises how many people downloaded their songs (page 6, [0053]).

As per claim 12, Rouchon discloses the step of providing multiple language content at said web site for permitting the recruitment of artist talent world-wide (page 5, [0042]).

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4. Claims 13-14 are rejected under 35 U.S.C. 103(a) as being unpatentable over Rouchon (US 2001/0025259).

As per claim 13, Rouchon discloses a system for recruiting artist world-wide having artistic works wherein the artistic works are loadable onto global computer networks and wherein said system is operated by a support entity (page 2, [0014], 1-4). Rouchon does not explicitly show all the databases but it is rather obvious that the system of Rouchon would include in the global computer networks the followings: an artist database in communication with said web site (database for potential artists); an artist works database in communication with said web site (database for potential artist works i.e. songs or tracks); an end-user database in communication with said web site (fans or industry pros interacting with the web site); a statistics database in communication with said web site (page 6, [0049]); content databases in communication with said web site (interactive contents of the web site); means for purchasing artistic works (page 5, [0044], lines 8-16); and wherein said web site stores the artistic works in said artist work database (music database i.e. song or track database), stores artist content in said content databases (profiles), stores consuming public information in said end-user database (feedback or rating) and stores web site use information by the consuming public in said statistics database (page 6, [0049]), said artist database and said artist works database being searchable by the consuming public for consideration by the consuming public world-wide via said content databases (page 2, [0016]), and wherein said end-user database and said statistics database are utilized for analyzing said consuming public feedback and for engaging those artists in contracts with said support entity or with a third party associated with said support entity based on said consumer feedback (the Company intends to sign artists with this now proven

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potential and pair these artist with established record producers from its advisory board (page 2, [0014], lines 1-21); and wherein said means for purchasing artistic works comprises an online store for selling works of said contracted artists (page 2, [0017], lines 17-19).

It would have been obvious to one of ordinary skill I n the art at the time the invention was made to explicitly utilize a plurality of databases for each of the contents in the web site because it would make provide a greater ability to deliver music and other goods or services to the customers.

As per claim 14, Rouchon discloses a system wherein said artistic work is music, wherein said artistic work database is a music database and wherein said web site is an online record business as claimed.

Conclusion

5. The prior art made of record and not relied upon is considered pertinent to applicant's disclosure.

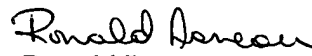
- Camelio (US 2004/0015427 A1) discloses methods and apparatuses for financing and marketing a creative work.
- Hayes et al (US 2003/0200216 A1) disclose a method and system for identification of music industry releases and licenses.
- Cruz (US 2002/0123924 A1) discloses a method of gathering local demand data for entertainment performances.
- Kaplan (Us 5,963,916) discloses a network apparatus and method for preview products and compilation of market data.

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6. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Ronald Laneau whose telephone number is (703) 305-3973. The examiner can normally be reached on Mon-Fri from 8:30am - 6:00pm.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Robert Olszewski can be reached on (703) 308-5183. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).


Ronald Laneau
Examiner
Art Unit 3627

2/7/05

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